

ESTTA Tracking number: **ESTTA138459**Filing date: **05/02/2007**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	General Motors Corporation
Granted to Date of previous extension	05/02/2007
Address	300 Renaissance Center Detroit, MI 48265-3000 UNITED STATES

Attorney information	Timothy G. Gorbatoff General Motors Corporation 300 Renaissance CenterMC#482-C23-B21 Detroit, MI 48265-3000 UNITED STATES timothy.g.gorbatoff@gm.com Phone:313-665-4719
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**Applicant Information**

Application No	78713624	Publication date	01/02/2007
Opposition Filing Date	05/02/2007	Opposition Period Ends	05/02/2007
Applicant	Halo Seven, Inc. 3319 Woodley Avenue Thousand Oaks, CA 91362 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. All goods and services in the class are opposed, namely: Clothing and apparel, namely, t-shirts, long sleeve shirts, short sleeve shirts, baseball shirts, tank tops, and polo shirts, athletic undershirts, thermal underwear, shorts, swimsuits, jackets, wind-jackets, pullovers, sweatshirts and underwear
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	2713873	Application Date	01/07/2000
Registration Date	05/06/2003	Foreign Priority Date	NONE
Word Mark	H1		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 012. First use: First Use: 2001/11/19 First Use In Commerce: 2001/11/19 MOTOR LAND VEHICLES, NAMELY TRUCKS AND SPORT UTILITY VEHICLES, ENGINES THEREFOR AND STRUCTURAL PARTS THEREOF

U.S. Registration No.	3232460	Application Date	04/20/2005
Registration Date	04/24/2007	Foreign Priority Date	NONE
Word Mark	H1		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2001/11/29 First Use In Commerce: 2001/11/29 Clothing, namely, aprons, caps, coats, dress shirts, gloves, golf shirts, hats, headbands, jackets, moccasins, neckties, overalls, pants, polo shirts, rainwear, slippers, socks, sunvisors, sweat pants, sweat shirts, sweaters, t-shirts and vests		

U.S. Application No.	78248472	Application Date	05/12/2003
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HUMMER H1		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: Mobile radio communication devices, namely, portable radios and walkie talkies; portable stereo systems, CD players, personal stereos, and telephones.		

U.S. Registration No.	3056298	Application Date	11/07/2003
Registration Date	01/31/2006	Foreign Priority Date	NONE
Word Mark	H2		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2005/10/00 First Use In Commerce: 2005/10/00 Deodorants, antiperspirants, facial cleansers, facial creams, facial scrubs, facial lotion, deodorant soap, non-medicated lip balm, cologne, perfume, after-shave gel, after-shave lotions, and shower gel		

U.S. Registration No.	2681576	Application Date	01/07/2000
Registration Date	01/28/2003	Foreign Priority Date	NONE
Word Mark	H2		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 012. First use: First Use: 2002/06/24 First Use In Commerce: 2002/06/24 MOTOR LAND VEHICLES, NAMELY TRUCKS AND SPORT UTILITY VEHICLES, ENGINES THEREFOR AND STRUCTURAL PARTS THEREOF

U.S. Registration No.	2696663	Application Date	01/24/2001
Registration Date	03/11/2003	Foreign Priority Date	NONE
Word Mark	H2		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 2002/06/24 First Use In Commerce: 2002/06/24 Motor land vehicles, namely, automobiles, sport utility vehicles, trucks, vans, engines therefor and structural parts thereof		

U.S. Registration No.	2707075	Application Date	03/20/2001
Registration Date	04/15/2003	Foreign Priority Date	NONE
Word Mark	H2		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2000/09/00 First Use In Commerce: 2001/10/15 Clothing, namely, aprons, caps, coats, dress shirts, gloves, golf shirts, hats, headbands, jackets, moccasins, neckties, overalls, pants, polo shirts, rainwear, slippers, socks, sunvisors, sweat pants, sweaters, t-shirts and vests		

U.S. Registration No.	2604940	Application Date	03/20/2001
Registration Date	08/06/2002	Foreign Priority Date	NONE
Word Mark	H2		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2000/09/00 First Use In Commerce: 2000/09/00 Almanacs, automotive books, paper and plastic bags for merchandise, bank checks, bumper stickers, desktop business card holders, business cards, calendars, checkbook covers, children's activity books, cookbooks, decals, desk top holders, gift wrapping paper, greeting cards, letter openers, markers, note pad holders, note pads, paper banners, paper coasters, paper flags, paper luggage tags, paper napkins, paperweights, pen and pencil holders, pencils, pens, photo albums, pictures, playing cards, pocket secretaries, postcards, posters, printed labels, reproduction lithographic prints, stationery folders, trading and collector cards		

U.S. Registration No.	2741769	Application Date	03/20/2001
Registration Date	07/29/2003	Foreign Priority Date	NONE
Word Mark	H2		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 026. First use: First Use: 2000/09/00 First Use In Commerce: 2000/09/00 Belt buckles for clothing not made of precious metal, embroidered emblems, hat pins, zipper pulls		

U.S. Registration No.	2625051	Application Date	03/20/2001
Registration Date	09/24/2002	Foreign Priority Date	NONE
Word Mark	H2		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 2000/09/00 First Use In Commerce: 2000/09/00 ingots of common metal, metal key rings, metal key fobs, metal license plates, non-luminous and non-mechanical metal signs, parking signs and street signs, metal money clips, metal tool boxes and tool racks, metal piggy banks, metal decorative boxes and ornamental replicas of vehicles made of pewter and bronze		

U.S. Registration No.	2686547	Application Date	03/20/2001
Registration Date	02/11/2003	Foreign Priority Date	NONE
Word Mark	H2		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2000/09/00 First Use In Commerce: 2001/10/15 Beverage glassware, bottle openers, insulting beverage wraps, plastic coasters, commemorative plates, containers for food, portable beverage coolers, corkscrews, cups, glass canisters, ice scrapers with brushes, mugs, ornament replicas of vehicles made of glass, crystal and ceramic, portable all purpose household containers, salt and pepper shakers, serving trays not of precious metal, squeeze bottles sold empty, drinking steins		

U.S. Registration No.	3051518	Application Date	05/13/2003
Registration Date	01/24/2006	Foreign Priority Date	NONE
Word Mark	HUMMER H2		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 009. First use: First Use: 2004/02/00 First Use In Commerce: 2004/02/00 Mobile radio communication devices, namely, mobile radios and walkie talkies; portable radios, portable stereo systems, CD players, personal stereos, and telephones		
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U.S. Registration No.	3058165	Application Date	10/15/2003
Registration Date	02/07/2006	Foreign Priority Date	NONE
Word Mark	H3		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 2005/05/17 First Use In Commerce: 2005/05/17 Motor land vehicles, namely trucks and sport utility vehicles, engines therefor and structural parts thereof		

U.S. Application No.	78324513	Application Date	11/07/2003
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	H3		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: Deodorants, antiperspirants, facial cleansers, facial creams, facial scrubs, facial lotion, deodorant soap, non-medicated lip balm, cologne, perfume, after-shave gel, after-shave lotions, and shower gel		

U.S. Application No.	78702540	Application Date	08/29/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	H3 PROFILE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: Motor land vehicles, namely, trucks		

U.S. Application No.	78344041	Application Date	12/22/2003
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	H3T		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use:		

	Motor land vehicles, namely, automobiles, sport utility vehicles, trucks, vans, engines therefor and structural parts thereof
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U.S. Application No.	78342912	Application Date	12/18/2003
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	H3T		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: Motor land vehicles, namely automobiles, sport utility vehicles, trucks, vans, engines therefor and structural parts thereof		

Attachments	75891029#TMSN.gif ( 1 page )( bytes ) 78612682#TMSN.jpeg ( 1 page )( bytes ) 78324504#TMSN.jpeg ( 1 page )( bytes ) 75891028#TMSN.gif ( 1 page )( bytes ) 78044608#TMSN.gif ( 1 page )( bytes ) 78054001#TMSN.gif ( 1 page )( bytes ) 78054011#TMSN.gif ( 1 page )( bytes ) 78054008#TMSN.gif ( 1 page )( bytes ) 78054005#TMSN.gif ( 1 page )( bytes ) 78054000#TMSN.gif ( 1 page )( bytes ) 78324513#TMSN.jpeg ( 1 page )( bytes ) 78702540#TMSN.jpeg ( 1 page )( bytes ) 78344041#TMSN.jpeg ( 1 page )( bytes ) 78342912#TMSN.jpeg ( 1 page )( bytes ) H7 - Notice of Opposition.pdf ( 5 pages )(198106 bytes )
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Signature	/TGG/
Name	Timothy G. Gorbatoff
Date	05/02/2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of:

Trademark: **H7**  
Serial No.: 78/713624  
Filed: 09/15/2005  
Published: 01/02/2007

GENERAL MOTORS CORPORATION

Opposer,

v.

HALO SEVEN, INC.

Applicant.

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

Opposer, General Motors Corporation, believes it will be damaged by registration of the trademark shown in the above-identified application filed by Applicant, Halo Seven, Inc., and hereby opposes same, the time for opposition having been extended accordingly.

The grounds for opposition are as follows:

1. Opposer is a Delaware corporation with its headquarters and principal place of business at 300 Renaissance Center, Detroit, Michigan 48265.
2. Opposer manufactures, distributes and sells motor land vehicles and their parts and accessories under its H1, H2 and H3 trademarks (hereinafter, H# Marks).
3. Opposer first adopted and began using its famous H1 mark at least as early as 2001. Since then, Opposer has continuously used one or more of its H# Marks as trademarks in connection with, inter alia, the manufacture, distribution and sale of motor land vehicles and their parts and accessories.
4. As a result of the continuous and extensive use of the H# Marks by Opposer, the H# Marks have become and continue to function as an extremely well-known indicators to

the consuming public of the high-quality motor land vehicle parts and accessories originating from Opposer.

5. Opposer has also engaged in licensing of its H# Marks for use in connection with, inter alia, the manufacture, distribution and sale of a wide variety of automotive and non-automotive goods, such as those which are the subject of the registrations and pending applications noted in the table below.
6. Opposer's success with the licensing of its H# Marks on automotive and non-automotive products further exemplifies the trade and public's association of Opposer's H# Marks with the high-quality products originating from Opposer and its authorized licensees.
7. Opposer is the owner of the following trademark registrations and pending applications for H# Marks:

MARK	REG. NO.	FILING DATE	GOODS
H1	Reg. No. 2,713,873	January 7, 2000	Motor land vehicles, namely trucks and sport utility vehicles, engines therefor and structural parts thereof.
H1	Reg. No. 3,232,460	April 20, 2005	Clothing, namely, aprons, caps, coats, dress shirts, gloves, golf shirts, hats, headbands, jackets, moccasins, neckties, overalls, pants, polo shirts, rainwear, slippers, socks, sunvisors, sweat pants, sweat shirts, sweaters, t-shirts and vests
HUMMER H1	Appl. Ser. No. 78/248,472 (Allowed)	May 12, 2003	Mobile radio communication devices, namely, mobile radios and walkie talkies; portable radios, portable stereo systems, CD players, personal stereos, and telephones
H2	Reg. No. 3,056,298	November 7, 2003	Deodorants, antiperspirants, facial cleansers, facial creams, facial scrubs, facial lotion, deodorant soap, non-medicated lip balm, cologne, perfume, after-shave gel, after-shave lotions, and shower gel



H2	Reg. No. 2,681,576	January 7, 2000	Motor land vehicles, namely trucks, sport utility vehicles, engines therefore and structural parts thereof
H2 (stylized)	Reg. No. 2,696,663	January 24, 2001	Motor land vehicles, namely, automobiles, sport utility vehicles, trucks, vans, engines therefore and structural parts thereof
H2 (stylized)	Reg. No. 2,707,075	March 20, 2001	Clothing, namely, aprons, caps, coats, dress shirts, gloves, golf shirts, hats, headbands, jackets, moccasins, neckties, overalls, pants, polo shirts, rainwear, slippers, socks, sun visors, sweat pants, sweaters, T-shirts and vests
H2 (stylized)	Reg. No. 2,604,940	March 20, 2001	Automotive books, paper and plastic bags for merchandise, bank checks, calendars, checkbook covers, etc.
H2 (stylized)	Reg. No. 2,741,769	March 20, 2001	Belt buckles for clothing not made of precious metal, embroidered emblems, hat pins, zipper pulls
H2 (stylized)	Reg. No. 2,625,051	March 20, 2001	Ingots of common metal, metal key rings, metal key fobs, etc.
H2 (stylized)	Reg. No. 2,686,547	March 20, 2001	Beverage glassware, bottle openers, insulating beverage wraps, plastic coasters, commemorative plates, etc.
H2 (stylized)	Reg. No. 2,625,051	March 20, 2001	Banks, decorative boxes, ingots, key chains, key fobs, key rings, keys, license plates, metal signs, money clips, parking signs, replicas of vehicles, street signs, tool boxes, tool racks
HUMMER H2	Reg. No. 3,051,518	May 13, 2003	Mobile radio communication devices, namely, mobile radios and walkie talkies; portable radios, portable stereo systems, CD players, personal stereos, and telephones
H3	Reg. No. 3,058,165	October 15, 2003	Motor land vehicles, namely, trucks and sport utility vehicles, engines therefore and structural parts thereof
H3	Appl. Ser. No.	November 7, 2003	Deodorants, antiperspirants,

	78/324,513 (Allowed)		facial cleansers, facial creams, facial scrubs, facial lotion, deodorant soap, non-medicated lip balm, cologne, perfume, after-shave gel, after-shave lotions, and shower gel
H3 PROFILE	Appl. Ser. No. 78/702540 (Allowed)	August 29, 2005	Motor land vehicles, namely, trucks.
H3T	Appl. Ser. No. 78/342912 (Allowed)	December 18, 2003	Motor land vehicles, namely, automobiles, sport utility vehicles, trucks, vans, engines therefor and structural parts thereof
H3T (Stylized)	Appl. Ser. No. 78/344041 (Allowed)	December 22, 2003	Motor land vehicles, namely, automobiles, sport utility vehicles, trucks, vans, engines therefor and structural parts thereof

8. As a further, natural expansion of its use of H# marks, Opposer also filed its currently pending trademark Application Ser. No. 78/361,634 (Allowed) for the mark H4 on February 3, 2004 for motor land vehicles, namely automobiles, trucks, sport utility vehicles, vans, engines therefore and structural parts thereof.
9. On information and belief, Applicant, Halo Seven, Inc., is a company organized and existing under the laws of the State of California with a principal place of business at 3319 Woodley Avenue, Thousand Oaks, CA 91362.
10. On September 15, 2005, Applicant filed an application to register *H7* in International Class 25 for “Clothing and apparel, namely t-shirts, long sleeve shirts, short sleeve shirts, baseball shirts, tank tops, and polo shirts, athletic undershirts, thermal underwear, shorts, swimsuits, jackets, windjackets, pullovers, sweatshirts and underwear”. Applicant’s *H7* application was assigned Application Serial No. 78/713,624. Applicant’s *H7* application was filed: (i) more than five years after Opposer first filed for its H1 trademark, and (ii)

after each of Opposer' above noted registrations and pending applications for its H1, H2, H3 and H4 trademarks were filed.

11. The *H7* mark in Application Serial No. 78/713,624 so resembles Opposer's H1, H2 and H3 trademarks registered and/or used in the United States and not abandoned, (i) as to be likely to cause confusion, or to cause mistake, or to deceive within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d); and (ii) as to cause dilution of Opposer's famous H1, H2 and H3 trademarks within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c).
12. Opposer will be damaged by the registration of Application Serial No. 78/713,624 insofar as the registration would be *prima facie* evidence of (a) the validity of the registration, (b) Applicant's ownership of the *H7* mark for the goods specified in the registration, and (c) Applicant's exclusive right to use the *H7* mark in commerce when, in fact, Applicant is not entitled to such rights by virtue of Opposer's prior continuous use and registration of the H1, H2 and H3 trademarks and Opposer's prior pending trademark application for the H4 trademark. Opposer will also be damaged by the registration of Application Serial No. 78/713,624 insofar as registration of *H7* by the Applicant would cause dilution of Opposer's famous H1, H2 and H3 trademarks.

WHEREFORE, Opposer prays that Application Serial No. 78/713,624 be refused registration and this Notice of Opposition be sustained in favor of opposer.